

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Creation of A Low Power Radio Service)	MM Docket No. 99-25
)	
Amendment of Service and Eligibility Rules)	MB Docket No. 07-172
for FM Broadcast Translator Stations)	RM-11338

COMMENTS OF THE AMHERST ALLIANCE

The Amherst Alliance (“Amherst”) is a Net-based, nationwide citizens advocacy group for Low-Power FM (LPFM) and other media reforms. Since its founding on September 19, 1998, Amherst has submitted more than two hundred filings to the Federal Communication Commission (“Commission”).

Amherst hereby files Comments in the above Docket in respect to FCC Public Notice 11-105.¹ In these Comments, we express our support for what we feel is the best of the three options the Commission proposes for resolving potential conflicts between pending radio translator applications from Auction 83 and LPFM (both current and in the next LPFM filing window).

We asked our members to rate each of the Commission's proposed options on a scale of 1 to 10, with 10 being “wonderful,” 8 being “very good,” 5 being “okay,” and 1 being “barely better than nothing.” Using this system, the average vote for Option 3 (Market-by-Market approach) was 8. The average vote for Option 1 was 2.5. The average vote for Option 2 was 1.67.

Amherst's support for Option 3 is based primarily on the Option's legal and political sustainability. We are very impressed that all four (4) of the original co-sponsors of the Local Community Radio Act of 2010 believe that Option 3 is consistent with their legislative intent.² We are

¹ *Third Further Notice of Proposed Rule Making*, July 12, 2011 (“Public Notice”)

² Letter to Chairman Julius Genachowski from Representatives Mike Doyle and Lee Terry, and Senators Maria Cantwell

also impressed that Chairman Genochowski is now on record as agreeing with this interpretation.³

We further ask the Commission to be open to anticipated proposals (*e.g.*, by REC Networks) to refine the details of the Option 3 plan, in order to more accurately assess current and likely available future LPFM allocations in relevant market areas. As for Amherst, we definitely endorse Option 3 as a general concept, but we believe there may be room for improvement on some of the details.

We also urge the Commission, as it conducts the full range of proceedings in Docket 99-25, to carefully consider various relevant recommendations which have already been submitted by the Amherst Alliance.

In particular, we draw the Commission's attention to the recommendations in our April 21, 2011 Petition for Rulemaking: (1) Allowing translators to originate local programming, as proposed in Docket RM-11331; (2) Refusing to license new translators OR new LPFM stations unless they agree to "ramp up", over two years, to at least eight hours of local programming per day; and (3) Assigning a lower priority, WITHIN the Secondary Service Status class of radio stations, to existing translators OR existing LPFM stations which do not agree to "ramp up", over two years, to at least eight hours of local programming per day.

In addition, we urge the Commission to consider the recommendations, in our February 4, 2011 Written Comments, for 10-Watt LPFM stations in urban and suburban areas, and 250-Watt LPFM stations in rural areas.

Furthermore, we urge the Commission to review our recommendations for displacement protection in our February 22, 2011 Petition for Rulemaking.

The authors of these Comments, as residents of Connecticut, have faced some difficulties in preparing and filing this document due to the impact of Hurricane Irene. We were fortunate in

and John McCain, July 12, 2011.

³ Letters to Representatives Lee Terry and Mike Doyle, and Senators Maria Cantwell and John McCain from Chairman Julius Genachowski, August 19, 2011.

overcoming these obstacles, but others on the East Coast may not have been so fortunate. For this reason, we ask the Commission to adopt a lenient policy toward accepting late-filed written Comments from parties in the path of Hurricane Irene.

Respectfully submitted,

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Dated: _____

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